

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed June 9, 2009. At the time of the Office Action, Claims 42-82 were pending in this Application. Claims 56-68 were previously withdrawn due to an election/restriction requirement. Claims 42-55 were rejected and Claims 69-82 were allowed. Claim 42 has been amended. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. § 112**

Claim 42 was rejected by the Examiner under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In particular, the Examiner argues that it is unclear how the information message and the multimedia message are transmitted during the same single traffic connection, if the traffic connection is not established until after the information message is sent. (Office Action, pages 2-3). Applicants submit that Claim 42 does not specify any particular time ordering of steps. In particular, although the step of sending the information message is written before the step of establishing the traffic channel, Claim 42 does not specify that sending the information message *must occur before* establishing the traffic channel. However, in order to eliminate any confusion and to advance prosecution, Applicants have amended Claim 42 to recite the step of establishing the traffic channel before the step of sending the information message via the established traffic channel. Accordingly, Applicants respectfully request allowance of amended Claim 42, and all claims that depend therefrom.

#### **Allowable Subject Matter**

Applicants appreciate the Examiner's consideration and indication that Claims 69-82 are allowed.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants respectfully submit a Petition for Two-Month Extension of Time. The Commissioner is authorized to charge the fee of \$490.00 required to Deposit Account 50-4871 in order to effectuate this filing

Applicants believe there are no other fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding LLP.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,  
KING & SPALDING LLP  
Attorney for Applicants

*Eric M. Grabski*

Eric M Grabski  
Registration No. 51,749

Date: Oct. 13, 2009

SEND CORRESPONDENCE TO:  
KING & SPALDING LLP  
CUSTOMER ACCOUNT NO. **86528**  
512.457.2030  
512.457.2000 (fax)